



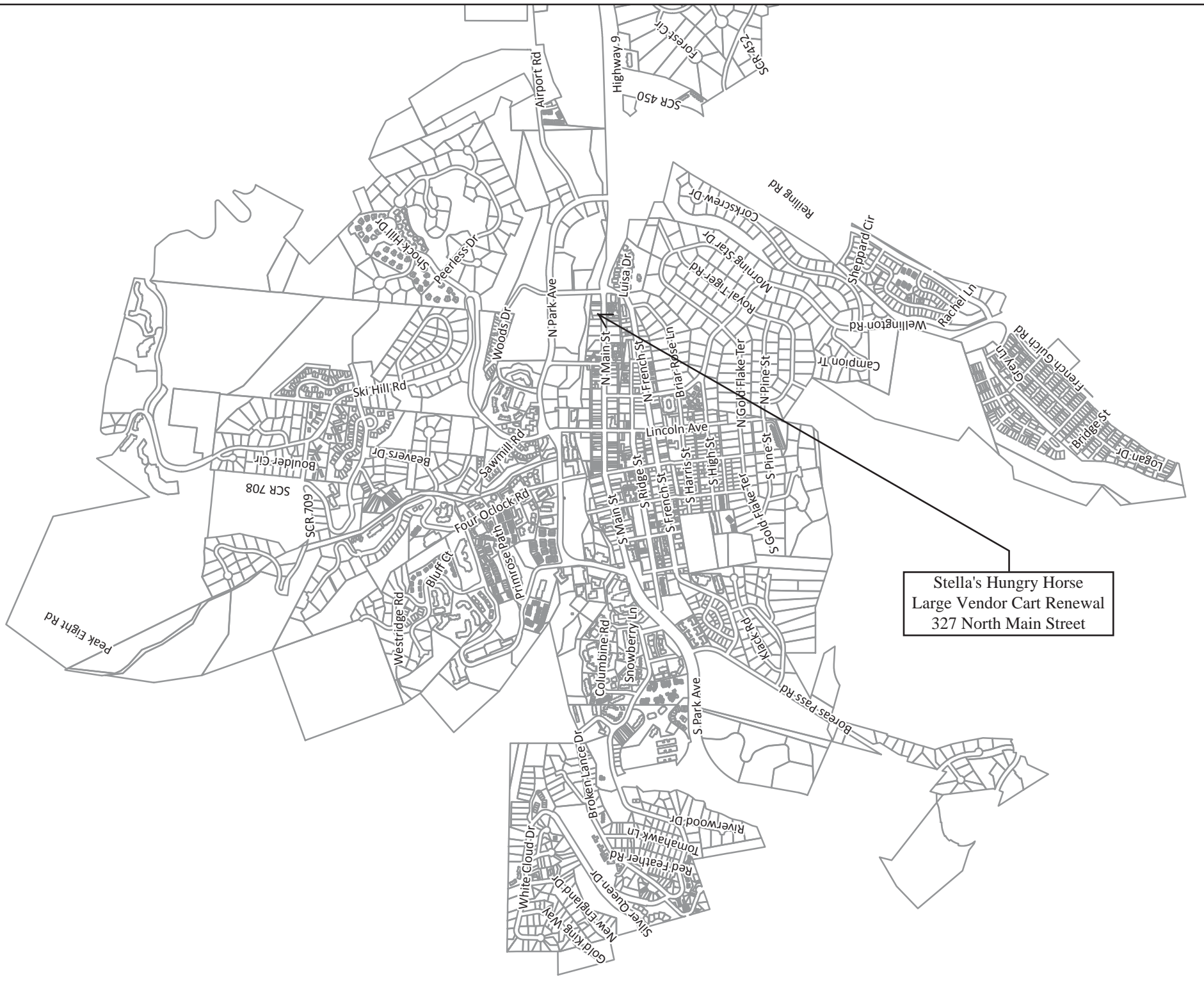
PLANNING COMMISSION AGENDA

Tuesday, January 03, 2017
Breckenridge Council Chambers
150 Ski Hill Road

6:00pm	<i>Call To Order Of The January 3 Planning Commission Meeting; 6:00 P.M. Roll Call</i>	
	<i>Location Map</i>	2
	<i>Approval Of Minutes</i>	3
	<i>Approval Of Agenda</i>	
6:05pm	<i>Worksessions</i>	8
	1. Joint Upper Blue Master Plan and TDR Program Overview (MT)	
6:45pm	<i>Town Council Report</i>	
7:00pm	<i>Combined Hearings</i>	11
	1. Stella's Hungry Horse Large Vendor Cart Renewal (CK) PL-2016-0605; 327 North Main Street	
7:15pm	<i>Development Code Steering Committee Update</i>	
	<i>Other Matters</i>	
7:30pm	<i>Adjournment</i>	

For further information, please contact the Planning Department at 970/453-3160.

***The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.**



Stella's Hungry Horse
 Large Vendor Cart Renewal
 327 North Main Street



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Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 6:00 pm by Chair Schroder.

ROLL CALL

Mike Giller	Christie Leidal	Ron Schuman
Gretchen Dudney	Jim Lamb	Steve Gerard
Dan Schroder		

APPROVAL OF MINUTES

With no changes, the November 15, 2016, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

Mayor Mamula would like to address the Planning Commission regarding parking and transit updates. We will add this item prior to the work session. With no other changes, the December 6, 2016, Planning Commission Agenda was approved.

TOWN COUNCIL REPORT:

Mayor Mamula: Paid parking began December 1st. We have priced it to incentivize people to move after longer periods of time. We have also enhanced the bus routes; the purple now goes in both directions. We have improved walkability with adding light fixtures, push buttons for crossers, a shuttle service in upper Warriors Mark. This has been a lot of work for Staff, and people have had a range of reactions since the paid parking has begun, but we feel like we have already started to see the effects of paid parking in opening up parking spaces downtown.

Town Manager Rick Holman: We have over 600 designated employee parking spaces in town, with 200 that are dedicated for employee only. Looking at the few thousand employees we have in town, that is a small percentage, but we are offering spots. Council had said they would not insist on paid parking until there was a solution for employees, which we have with the increased bus options now. So far it is not too bad, it is a lot of work to educate people about what we are doing, but it is helping.

Ms. Dudney: Has there been any thaw with Vail Resorts?

Mayor Mamula: We will be having another discussion at the next town council meeting. We are interested in a parking garage on South Gondola Lot, instead of F Lot. We have tried to take the high road with Vail Resorts and the letters they have sent to the public, newspapers, etc. We did feel the need to respond when the Denver Post got involved. We're trying to push people to the Breck Forward website, which has info on transit and parking.

Mr. Schroder: The education initiatives have done a great job so far in informing the public.

Mr. Gerard: I think that the Police and Community Service Officers have done a great job, they are really out there informing people about the program.

Mr. Schuman: What about the trolley?

Mayor Mamula: The trolley has been getting a lot of use, though we only have one right now, so it is only able to run every 30 minutes, but we are working on it.

Mr. Giller: I am really encouraged by the time limits and the paid parking; I have noticed a difference already where I live across from the post office.

Ms. Dudney: Are you rethinking the Block 11 plan?

Mayor Mamula: It is more in flux. If you have been down to the new river restoration by McCain, it is a great place to live now. Denison II is the three buildings that are being finished right now. Denison I has received the green light with 50 for sale town homes and 22 apartments. We are going to do for sale since we did not receive the LIHTC grant. There are now seven Zip Cars through town as well, and we're hoping that translates to people coming here and an option for local families with only one car or no car.

Ms. Dudney: What about heated sidewalks on Four O'Clock Road?

Mayor Mamula: We have retreated on that for now due to cost.

Mr. Holman: There have been a lot of difficulties, in terms of planning and finance. There will be some

heated sidewalks added in the Riverwalk area but there were a lot of costs and land acquisition difficulties that may not be the best use of funds on Four O'Clock right now.

Mayor Mamula: This is going to be an interesting test winter to see how the changes we have made are going to affect the problem. This is a time where we are enacting as much as we feasibly can at once from the study we had, and we have the roundabout study on Park Avenue coming back soon to look at as well.

Other Town Council Discussions:

Ms. Puester: In regard to Block 11, there are some changes to Phase One of Denison Placer that will be coming to the Planning Commission in February. During the construction phase of a roundabout, there will be a closure of Park Avenue. There will also be some improvements to the Riverwalk Center this summer to be more pedestrian friendly.

Mr. Grosshuesch: The Council entertained a couple of alternative proposals for an upgrade to the Welcome Center. What Council endorsed was some upgrades to the software that operates various aspects of the center. We will be expanding ticket-selling software that will be accessible via app downloadable to smart phones as well as iPads and displays at the Welcome Center. There will be some modifications to the back of the building where the Heritage Alliance desk is. We will upgrade interior signage as well. There was a phasing option that anticipated more dramatic changes that could be the blueprint for further upgrades, but those were not authorized at this point.

Ms. Puester: Ms. McAtamney, Child Care Program Administrator for the Town, also provided a report the Council that will be available online soon.

WORKSESSIONS:

1) Commercial Sign Code (JP)

Mr. Berry, Town Attorney, presented. Staff has been working with the Town Attorney on a Sign Code rewrite in response to a recent U.S. Supreme Court decision. This decision, *Reed v. Town of Gilbert*, is requiring most municipalities across the country to rewrite their sign codes to eliminate content related references. The first section of the Sign Code modifications regarding Signage on Town Owned property was reviewed by the Planning Commission as a work session item on November 15. Due to different circumstances for signs on municipal owned properties (eg. public safety), the Town Attorney recommended separating the Town's new sign regulations into two separate Chapters: 1) Signs on Town Owned Property and 2) Signs on Private Property. This evening we will be discussing the Signs on Private Property.

The Town of Gilbert and most municipalities nationwide had sign codes which called out a type of sign, such as 'political' signs, 'open' signs, 'real estate' signs, etc., and then required a sign code enforcement officer to read the sign content to determine the applicable regulation regarding placement, size and so on. The new court decision allows municipalities to continue to regulate signage size, materials, location, etc., but removed the ability to enforce signage regulations which require the content of a sign to be read in order to know which rules to apply to that particular sign.

In response to this decision, the Town Attorney and Staff have provided a draft Sign Code which is *not intended to change any of the currently allowed signage on private property*; however, the new ordinance seeks to eliminate from the Sign Code content-based references. This code modification is intended to clean up the current regulations to conform to the court decision, not to introduce new regulations to what Staff believes are currently working. This is a work in progress and not a final version. (Staff also forwarded an email from Mr. Hal Vatcher for public comment.)

Commissioner Questions / Comments:

Mr. Giller: What about murals? (Mr. Berry: That is one of the handful of problem areas in the court decision because you have to ask the question "What is art?". Staff's take was to handle it in the Development Code. There are murals that are politically motivated and other ones, which have been contested. We have decided to regulate murals in the historic district through the

development code as opposed to signs. Art and mural are issues we will pay attention to in the future because the law may change going forward.) So we think this will be covered in the Development Code going forward? (Mr. Berry: There is some litigation risk tolerance involved. There are ordinances that seem bullet proof, but just don't work in the real world. For example, when it comes to open house signs, the problem is primarily that the code prohibits off-premise signage and this applies to the commercial/non-commercial distinction. But on premise/off premise distinction can only be applied to commercial signs because a non-commercial sign cannot be traced back to the location of an idea. Council will have to make a decision in what ordinances to adopt where there could be a problem.)

Ms. Dudney: What about the email we received about political signs? (Ms. Puester: We are still tweaking this part of the code. When we started rewriting this, we kept the same concepts, but also had to start from scratch as far as format. The charts are completely new, and we are working on clearing up sections which are contradicting. We will be working on this section as we go forward. We're not finished with this yet.) Did we use to have a square footage limit? (Mr. Berry: The current code says that ideological signs are exempt and not regulated. I don't think there is any doubt that we can regulate number and size of that signage, not on the basis of what it says, but on the basis of how many signs in total are allowed. With the time frame in which they can be posted around an election, there is some litigation risk, and this is something that we will have to readdress as time goes on. About every week, there is a new decision dealing with sign code issues, so this is still an unsettled area, but we absolutely must update the current sign code.)

Mr. Schuman: When was the Gilbert decision made? So any subsequent decisions will add to or take from that decision? (Mr. Berry: It was made in June of 2015.)

Mr. Schroder: What about walking signs? (Ms. Puester: It is meant for those twirling signs that people hold on the street and sandwich board type signs that people wear, not t-shirts logos etc.) (Mr. Berry: At some point we have to acknowledge that we can't address everything. You have to use common sense too.)

Ms. Dudney: What is the law around obscenities? (Mr. Berry: Well this is a first amendment issue, and the definition of obscene in this area is very mushy. We do not have anything in the code about obscenities. As far as we're concerned, it will not be dealt with in this ordinance.)

Mr. Lamb: There is a mobile billboard that we see going around here, is that legal? (Mr. Berry: We'll have to look at that, we have not yet looked at the ordinance in that context.)

Mr. Giller: What about a sign in front of real estate under development that has fliers in a box attached? (Mr. Berry: That is fine; this ordinance would not affect that practice at all.)

Mr. Gerard: Would that box then be regulated? (Mr. Berry: I don't think those are considered signs. I'm not sure. The closest comparison would be display boxes which are limited to restaurants, the content of which we cannot regulate. We will make a note of this, however, and think of it.)

Mr. Schroder: Back to the walking signs, we may want to clarify what is meant by signs that are worn.

Mr. Gerard: I have more questions about the seasonal decorations. (Ms. Puester: This is on page 24, and the lighting is regulated under the Exterior Lighting Chapter in the Development Code, not signage. The decorations are allowed until President's Day, will remove the reference to lighting here.) Do we need something under the seasonal decorations policy that states when the decorations can be put back up? (Mr. Berry: We have not yet had any problems with that, but we will take a look at it. There is a concern that putting on the label "seasonal" could be content based.)

Mr. Gerard: I am concerned about the vehicle driving around as a sign. (Mr. Berry: Parked vehicles are not allowed to be signs in our sign code, but we have to apply some common sense to it. For example, there is a difference between a parked car that never moves and a realtor that drives their car around and parks where they need to. The one where we would take enforcement action would be the vehicle that was parked for an extended period of time in one place.)

Mr. Gerard: What about attention-getting devices? (Mr. Berry: This is a carry-over from another

ordinance. We will look at it.)

Chair Schroder opened the work session up for public comment.

Mr. Rob Prescott, 226 South Main Street, President of the Merchants' Association: I have a lot of comments from merchants on sign code and how we can improve it. The biggest issue is a creative code that allows for store identity: how stores present themselves and are unique and can show who they are. The sign code right now is a list of rules and regulations. Lack of consistency in how sign code is enforced is an issue sometimes. I would like to speak with local merchants and get their input to work on the sign code. (Mr. Schroder: We are always open to comments and input, Staff is available to talk to.) I don't have any answers, but I would like to be able to talk with you guys to work on some new ideas. (Ms. Puester: We will take your number and I will give you a call to talk.) (Mr. Grosshuesch: I want to remind the Planning Commission that last year, we convened a task force committee made up of business owners for three or four meetings and had several worksessions with Planning Commission and with Town Council on items such as sandwich board signs, neon, temporary signs, etc., and we finally settled on some liberalization of the sign code in response to merchant concerns and kept some the same with their support. The Council also added allowances such as window wraps to be exempted. We have worked with the merchants in the past and we will continue to do so. This is not intended to make changes to the substance of the code but to get what we have to conform to new legal interpretations.)

There was no further public comment.

OTHER MATTERS:

1) Gold Pan Shops Dipping Station Landmarking (MM) PL-2016-0579; Tract B, Placer Ridge Townhomes Condo

Mr. Mosher presented a proposal to locally landmark the Gold Pan Shops Dipping Station per Section 9-11-3, Designation of Landmarks, Landmark Sites, Historic Districts and Cultural Landscape Districts, of the Town Code.

Staff believes that the above required criteria have been met with this application in Column A, Column B; items 1, 5, 10 and 13 and Column C; items 1 and 2, and therefore the Gold Pan Shops Dipping Station can be recommended to the Town Council for local landmarking.

The Planning Department suggested the Planning Commission recommend that the Town Council adopt an ordinance to locally landmark the Gold Pan Shops Dipping Station located at Tract B, South Ridge Street, PL-2016-0579, based on the fulfillment of criteria for Architectural, Social and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Chair Schroder opened the hearing for public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Schuman: This is a great effort, and an interesting landmark.

Mr. Lamb: I always wondered what this was.

Ms. Leidal: I support staff's work and opinion on this.

Mr. Gerard: This is what we need to be doing.

Mr. Lamb made a motion to recommend that the Town Council adopt an ordinance to locally landmark the Gold Pan Shops Dipping Station located at Tract B, South Ridge Street, PL-2016-0579, based on the fulfillment of criteria for Architectural, Social and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance. Mr. Giller seconded, and the motion was carried unanimously (7-0).

ADJOURNMENT:

The meeting was adjourned at 7:15 pm.

Dan Schroder, Chair

MEMORANDUM

TO: Planning Commission

FROM: Mark Truckey, Assistant Director of Community Development

SUBJECT: Joint Upper Blue Master Plan and TDR Overview

DATE: December 28, 2016 for January 3, 2017 Planning Commission Meeting

The Planning Commission sometimes reviews projects where additional density is transferred to a development site via Transferable Development Rights (TDRs). Staff also will on occasion reference the policies of the Joint Upper Blue Master Plan (JUBMP). Given we have several recent appointments to the commission, staff thought it would be helpful to provide an overview of the JUBMP and the TDR program.

Joint Upper Blue Master Plan Overview

In the early 1990s the towns of Breckenridge and Blue River, together with Summit County, started a cooperative planning effort to address land use and related issues, which were considered crucial to maintaining the special sense of community and quality of life in the Upper Blue Basin. After over three years of discussion and numerous public meetings, the Joint Upper Blue Master Plan (JUBMP) was adopted by the three jurisdictions in 1997.

The JUBMP sets forth a common shared vision for the future, and informs citizens, landowners, and developers of the desired future for the basin as articulated by the adopting jurisdictions. Important land use and other growth-related issues are addressed in the JUBMP. Some of the key issues addressed include:

- A desire to sustain the quality of the Upper Blue valley's resources and community character. It was recognized that unrestricted growth could "kill the goose that laid the golden egg". As a result, the JUBMP caps the ultimate development potential in the valley to that allowed by existing zoning.
- Because of this "density cap", the JUBMP does not allow for any upzonings (e.g., requests for additional density on properties) unless the development rights are transferred from another property in the basin, thus keeping the overall basin density the same. These transfers are commonly referred to as Transferable Development Rights (TDRs).
- A realistic buildout density target for the basin is established of between 13,960 and 14,900 units.
- The JUBMP strives to reduce the overall buildout in the basin (and associated impacts) by identifying a number of density reduction strategies that can be undertaken by the Town of Breckenridge and Summit County. Implementation of these strategies is expected to reduce the ultimate basin buildout by five to ten percent (710 to 1,460 units).
- A goal is set to preserve the undeveloped character of the Upper Blue Basin's backcountry

areas and limit development in the backcountry to the maximum extent possible. Promotion of the TDR program is identified as a means of protecting backcountry areas.

- Policies in the JUBMP encourage an increase in the supply of affordable housing units in the basin.
- The JUBMP contains a commitment from the Town of Breckenridge and Summit County to extinguish density that they own as new affordable workforce housing units are constructed, to offset impacts to activity levels.
- JUBMP policies encourage an increase in capacities and efficiencies in the basin's transportation and transit systems, including an emphasis on "complete streets" and providing for the full range of alternative transportation modes (e.g., biking, walking).
- Promotion of "sustainable" development and support for the Town and County sustainability planning efforts.
- Support for forest management projects that improve forest health and for long-term planning efforts to avoid impacts of wildfire and protect our watershed.
- Commitment of the County and Town to continue to jointly acquire open space and improve the basin's trail network.
- Policies that support provision of adequate infrastructure while recognizing that growth should be driven by character issues as opposed to ability to service areas.
- Support for retaining lands that are zoned for commercial service/light industrial uses.

Since its initial adoption in 1997 the JUBMP has by most accounts been viewed as a successful plan that has helped control unbridled development and maintain our community character. The plan has been instrumental in providing a framework for joint cooperative planning regarding land uses in the Upper Blue Basin. In 2011 the Towns of Breckenridge and Blue River, along with Summit County, all unanimously re-adopted an updated version of the JUBMP at a joint meeting at the County Courthouse.

TDR Program Overview

As noted above, the JUBMP sets the framework for a TDR program. Through a series of subsequent steps, the Town of Breckenridge and Summit County have implemented an Upper Blue TDR Program:

- The Town of Breckenridge and Summit County entered into an Intergovernmental Agreement concerning TDRs in 2000 (most recently updated in 2007) that outlines the TDR program. The program maps out TDR sending areas (mostly backcountry areas) and TDR receiving areas (mostly in the urbanized valley floor).
- In conjunction with the TDR program, Summit County rezoned several thousand acres of private mining claims to a Backcountry Zoning designation. The Backcountry Zone restricts the size of residences---a typical five acre claim is allowed a 900 square foot cabin. Thus, the potential for large homes in backcountry areas is limited and this makes the TDR program an attractive alternative to backcountry property owners.
- The County administers a TDR Bank on behalf of the County and Town. The TDR Bank makes development rights available to interested developers at a set price. The 2016 TDR price is \$49,110 per unit or SFE. Development rights in the TDR Bank come from density that was stripped off of TDR "sending" parcels in the Upper Blue backcountry that were previously acquired jointly by the County and Town open space programs. Developers also have the

option to acquire development rights by purchasing sending site density from private property owners. Twenty acres of backcountry land equals one development right.

- When a TDR transaction is proposed as part of a development proposal in Town, one development right is required to be transferred for each additional SFE of residential area requested or for each 1,000 square feet of additional commercial space requested.
- Since its inception, 36 separate TDR transactions have occurred in the Upper Blue Basin, involving the transfer of 79 units of density, and resulting in protection of 1,173 acres of backcountry land.
- The primary goal of the TDR program is to protect land in the Upper Blue backcountry. Certain high quality wetlands lots also qualify as TDR “sending” areas. A handful of wetlands lots have been involved in TDR transactions. In 2015, the Town tightened its rules regarding use of wetlands lots in TDR transactions so that only a quarter of any transaction could involve wetlands lots. This change was made to keep the focus of the TDR program on protection of backcountry areas. The Town of Breckenridge also allows, with some limitations, density to be transferred between properties in Town.
- The JUBMP provides a partial exemption from the requirement for TDRs for deed-restricted affordable housing projects. The Town has committed to transfer density from its own pool of Town-owned density to affordable housing projects at a one to four ratio (one unit transferred for every four units built).

Planning Commission Action

No action of the Planning Commission is required. This memo is intended to bring Commissioners up to speed on some of the key issues addressed in the JUBMP and in the TDR program. Staff will be available to answer any questions the commission may have. For anyone interested in more information, you can access the entire JUBMP document online at <http://www.townofbreckenridge.com/home/showdocument?id=2014>.

A. All large vendor carts and small vendor carts shall be designed to blend in with the existing historic character. This shall be accomplished through the proper use of architecture, materials and site planning. In the Conservation District, large vendor carts shall complement the surrounding building character through the use of high quality materials and detailing. Placing a large vendor cart in an unfinished vacant lot with no site improvements is prohibited.



The vendor cart complements the surrounding building character by use of wood 4" reveal horizontal lap siding, which is common within the Conservation District. Exterior to the cart are three potted evergreen trees of 2' – 3' in height, a 500 sq. ft. of patio constructed of pavers and an outdoor gas fire pit. All of these exterior improvements enhance the curb appeal of the cart. There are eight parking spaces on the property, seven customer parking spaces and one employee parking space. Staff believes the vendor cart blends in with the existing historic character and buildings in the area.



Policy 49 has design and operational standards as listed below for large vendor carts. Staff comments follow below.

a. Large Vendor Carts: The following additional design and operational standards apply to large vendor carts:

1. Large vendor carts must be located on private property.

The large vendor cart is proposed entirely on private property.

2. Large vendor carts may only sell food and beverages in forms suited for immediate consumption. This shall include hot or cold prepared foods and beverages, and prepackaged food and snacks, whether eaten at the site of sale, or "carry out/to go". Fresh fruits and vegetables may be sold from a large vendor cart in limited amounts if they are normally and customarily eaten in a raw form, but a large vendor cart shall not be used primarily to sell fresh fruits and vegetables.

Stella's Hungry Horse only sells food and beverages in forms suited for immediate consumption. All food and beverages are served on disposable ware.

3. The area of a large vendor cart counts as density. The density shall be assessed against the real property on which the vendor cart is located.

The lot size is 8,538 sq. ft. The required FAR is 1:3. $8,538 \text{ sq. ft.} / 3 = 2,846 \text{ sq. ft.}$ The vendor cart is 84 sq. ft. which is below the maximum allowed density.

4. Large vendor cart owners shall improve the immediate area around their business through the installation of pavers, landscaping, awnings, and/or small decks to help the vendor carts to look less temporary, and to blend into the surrounding character. Where the surrounding area is already

improved with such finishes as listed above, this requirement may be waived by the planning commission.

The owner has installed a 500 sq. ft. patio of pavers for the site. Three potted evergreen trees of 2' – 3' in height are situated for landscaping. There are some large aspen trees to the south of the cart location, but on the property of the Ready, Paint, Fire building.

5. The maximum size of a large vendor cart is one hundred (100) square feet.

The vendor cart is 84 sq. ft.

6. The maximum height of a large vendor cart is ten feet (10'). The height of the cart shall be measured vertically from the ground to the highest point of the cart including signage or other equipment, if any.

The vendor cart is 10' tall to the highest point.

7. If a large vendor cart is connected to the town's municipal water system, the owner must pay water plant investment fees for the vendor cart. If a large vendor cart is connected to the town's municipal water system, it must also be connected to the public sanitation system.

The vendor cart is not connected to the town's municipal water system.

8. If a large vendor cart uses a commissary kitchen, the commissary kitchen must be identified on the vendor cart permit application, and any applicable water plant investment fees must be paid by the owner of the commissary kitchen. If the commissary kitchen changes during the term of the permit, the large vendor cart permit holder must notify the director within ten (10) days of the date of the change.

Stella's Hungry Horse uses the Brown Hotel's kitchen as their commissary kitchen. The Brown Hotel has paid for the full sit down restaurant and lounge water plant investment fees.

9. Siding and other compatible materials used on a large vendor cart must wrap all sides of the vendor cart.

The vendor cart has 4" reveal painted horizontal wood siding on all four sides of the vendor cart.

10. Exterior colors used on a large vendor cart must meet the town's color chroma palette. The color of all large vending carts shall be selected from the "Munsell Book Of Color" on file with the community development department. The maximum chroma for the exterior of a large vending cart shall be 4 (unless red or yellow are used, then a maximum chroma of 6) and a maximum value of 6.

The owner has painted the vendor cart with colors that do not exceed a maximum chroma of 4.

11. All signs for a large vendor cart shall be subject to the Breckenridge sign code. One permanent freestanding sign is allowed for a large vendor cart, unless otherwise prohibited by the Breckenridge sign code.

The existing signage has been approved under the Breckenridge Sign Code.

12. *Generators are prohibited for large vendor carts, except for use as an emergency source of power when the permanent source of power to the large vendor cart is temporarily unavailable.*

Applicant has power from the next door neighbor and will not use a generator.

13. *If a large vendor cart has wheels, the wheels shall be permanently screened with a skirting design architecturally compatible with the exterior of the cart.*

The wheels are permanently screened with the horizontal siding used on all four sides of the vendor cart.

14. *Any trailer hitch on a large vendor cart must be removed or completely covered from view.*

The trailer hitch is completely covered from view.

15. *Owners of large vendor carts must obtain and maintain in full force and effect throughout the permit a valid town of Breckenridge business license.*

The owner has a valid business license.

16. *Large vendor carts must be windproof, waterproof and locked when not in operation.*

The cart is windproof, waterproof and locked when not in operation.

17. *Outdoor seating for a large vendor cart is limited to a maximum of twelve (12) seats and three (3) tables.*

The existing operation has two picnic tables that seat six people each, for a total of twelve seats.

18. *The operator of a large vendor cart shall comply with all applicable health regulations with respect to the operation of the large vendor cart.*

The cart has been approved as a food vendor cart by Summit County Environmental Health.

Staff has no concerns with this application and finds that it complies with the intent of Policy 49/A.

Policy 33 (Relative) Energy Conservation: *C. Excessive Energy Usage: Developments with excessive energy components are discouraged. However, if the planning commission determines that any of the following design features are required for the health, safety and welfare of the general public, then no negative points shall be assessed. To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy:*

<u>Point Range</u>	<u>Design Feature</u>
1x(-3/0)	Heated driveway, sidewalk, plaza, etc.
1x(-1/0)	Outdoor commercial or common space residential gas fireplace (per gas fireplace)

Previously the Planning Commission understood the applicant's desire to have some heat for customers waiting for their food and agreed it added ambiance to the site but assessed negative (-1) point under Policy 33/R for excessive energy usage for the gas fire pit.

Policy 18 (Relative) Parking: *A. General Parking Requirements: It is encouraged that each development design their parking in a manner that exceeds the minimum requirements of the off street parking regulations. The town will evaluate the implementation of this policy based on how well the applicants meet the following criteria:*

1 x (+1)

(4) Common Driveways: The sharing of common driveways leading from public streets or alleyways to off street parking facilities by more than one use or parcel of land is encouraged, whether the parking facilities be joint or separate.

Restaurants are required to have 3.5 parking spaces for every 1,000 sq. ft. of restaurant area. In this case, the vendor cart is 84 sq. ft. / 1,000 = .084 x 3.5 spaces = .294 of a parking space is required for the vendor cart. The Town always rounds up to a whole parking space, hence the vendor cart requires one parking space. There are seven parking spaces on-site; which exceeds the minimum parking requirement by six spaces.

There is a common driveway for four adjacent lots-Lots 7A, 7B, 7C, and 7D which the project takes access from. No new access is proposed. Previously, the Planning Commission assessed one positive (+1) point for the common driveway.

Point Analysis

The proposal meets the requirements of Policy 49 (Absolute) Vendor Carts. One negative point is being assessed under Policy 33 (Relative) Energy Conservation, and one negative is being assessed under Policy 18 (Relative) Parking. Which equates to a zero balance on the Point Analysis. As this is a permit renewal, no change is proposed to the previously approved passing point analysis attached.

Staff Recommendation

The Planning Department recommends approval of the development permit renewal for the Stella's Hungry Horse large vendor cart (PL-2016-0605) located at 327 North Main Street, with a passing point analysis of zero (0) points and the findings and conditions attached.

Final Hearing Impact Analysis				
Project:	Stella's Hungry Horse Large Vendor Cart Permit Renewal	Positive Points		+1
PC#:	PL-2016-0605			
Date:	12/6/2016	Negative Points		- 1
Staff:	Chris Kulick, AICP			
		Total Allocation:		0
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	Architectural Compatibility / Historic Priority Policies	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	External Circulation	Complies		
18/A	Parking	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		

18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)	+1	Shared driveway that serves more than one property.
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		
22/R	Landscaping	2x(-1/+3)		
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)	- 1	One outdoor gas firepit
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		

42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		
47/A	Fences, Gates And Gateway Entrance Monuments	Complies		
48/A	Voluntary Defensible Space	Complies		
49/A	Vendor Carts	Complies		

TOWN OF BRECKENRIDGE

**Stella's Hungry Horse Large Vendor Cart
Lot 7B, Snider Subdivision
327 North Main Street
PL-2016-0605**

STAFF RECOMMENDATION: Staff recommends the Planning Commission approve this application with the following findings and conditions.

FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **December 6, 2016**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **January 3, 2017**, as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.

CONDITIONS

7. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
8. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
9. This permit expires three (3) years from date of issuance, on **January 10, 2020**. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be one year, but without the benefit of any vested property right.
10. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
11. Applicant shall meet Policy 9-1-5 49/A (A) Large Vendor Carts.
12. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application.

Any operational or material deviation from the approved plans and specifications without Town approval as a modification may result in the Town legal action under the Town's development regulations.